

United States District Court

EASTERN DISTRICT OF WISCONSIN

COURT MINUTES

HON. **William E. Duffin**, presiding.

DATE: **December 30, 2019 at 2:00 P.M.**

CASE NO. **16-CR-021**

UNITED STATES v. **Samy Mohammed Hamzeh**

PROCEEDING: **Hearing on Defendant's Motion to Modify
Conditions of Bond**

Deputy Clerk: Linda Zik

Court Reporter: Liberty

Time Called: 1:59:07 p.m.

Time Concluded: 2:11:35 p.m.

UNITED STATES by: **Adam Ptashkin**

PROBATION OFFICER: **Hannah Graham**

DEFENDANT: **Samy Mohammed Hamzeh**, in person, and by

ATTORNEY: **Gabriela Leija for Craig Albee**

COURT notes defendant seeks to eliminate curfew.

PRETRIAL SERVICES does not object to the proposal.

GOVT opposes motion based upon flight and danger to community

RISK of flight

- Has lived most of his life in Jordan and he has family there
- Concerned about flight potential even on curfew status

DANGER to community concerns the government the most

- Was going to commit a mass killing a block from his house; an act of terror
 - o Possessed two machine guns and a silencer
 - o FBI stopped it
- Govt has been extremely concerned about this case from the beginning
- Easier for Pretrial Services and US Marshal to respond if defendant goes outside the Eastern District of Wisconsin
 - o Violent crime occurs easier at night
 - o Some restrictive condition is important to assure the safety of the community
 - o Curfew that ends at 9 pm is not restrictive

DEFT argues for reduction of curfew status

- Was released one and one-half years ago
- No violations on pretrial release
- Maintains employment at an auto glass repair shop
 - o works 9 am to 7 pm
- Maintains excellent communication with his pretrial services officer
- 18:3142 addressed – least restrictions conditions analysis
- August 23, 2019 his conditions were amended to curfew
- Since last bail hearing it was determined defendant can pursue an entrapment defense
 - o Govt filed an interlocutory appeal therefore there is no trial date
- Defendant's father recently had a heart attack and fell down the stairs
 - o Defendant runs errands for them during the day when gets off of work
 - o Has concerns if something should happen to his parents at night
 - o Would like to spend the night at his parents' house
- The curfew is posing difficulty with his prayers which align with sunrise and sunset
- Not asking to remove GPS; just asking for an open schedule

PRETRIAL SERVICES

- If no curfew but on GPS their office reviews the locations where defendant went the previous day
- There is no immediate action unless defendant leaves the district, which sets off an alert
- It shows patterns and where a defendant has been; it is reactive method

GOVT

- Opposes any modification of release conditions

COURT

- Under bail reform act conditions must be least restrictive
- Government needs to prove conditions are necessary
- Court appreciates the charges alleged, which are serious
- **ABSENT EVIDENCE THAT CONTINUED CURFEW IS NECESSARY TO ASSURE THE SAFETY OF THE COMMUNITY, CURFEW IS REMOVED**
 - o Defendant's motion is Granted (ECF No. 374)